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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14 v.  
15 HURBACE ET AL,  
16 Defendant.

Case No. 2:17-cr-110-APG-CWH

**STIPULATION TO CONTINUE  
PRETRIAL MOTION DEADLINES**  
(Fifth Request)

17  
18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,  
19 United States Attorney, and Richard Anthony Lopez, Assistant United States Attorney, counsel  
20 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
21 Raquel Lazo, Assistant Federal Public Defender, counsel for Phillip D. Hurbace, and Todd M.  
22 Leventhal, counsel for Larry Anthony McDaniel, and Richard A. Wright, counsel for  
23 Sylviane Della Whitmore, that the previously ordered deadline for filing of pretrial motions be  
24 vacated and that the parties herein shall have to and including October 19, 2018, within which  
25 to file the Defendant's pretrial motions previously due October 8, 2018.  
26

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including November 2, 2018, to file any and all responsive pleadings,  
3 previously due October 22, 2018.

4 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
5 shall have to and including November 9, 2018, to file any and all replies to dispositive motions,  
6 previously due October 29, 2018.

7 The Stipulation is entered into for the following reasons:

8 1. The parties are diligently working through the discovery in order to determine  
9 whether pretrial motions will be filed.

10 2. Defense counsel for Mr. Hurbace intends on filing a dispositive motion. Defense  
11 counsel requires a brief extension of time as she is currently preparing for trial in *United States*  
12 *v. Thomas*, Case no. 2:18-cr-239-RFB-GWF.

13 3. The defendants are not incarcerated and do not object to the continuance.

14 4. The parties agree to the continuance.

15 5. The additional time requested herein is not sought for purposes of delay, but  
16 merely to allow defense counsel sufficient time within which to consider whether to file any  
17 pretrial motions.

18 6. Additionally, denial of this request for continuance could result in a miscarriage  
19 of justice.

20 This is the fifth stipulation to continue the filing of pretrial motions.

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23 ///

1 DATED this 5<sup>th</sup> day of October, 2018.

2 RENE L. VALLADARES  
3 Federal Public Defender

DAYLE ELIESON  
United States Attorney

4 */s/ Raquel Lazo*  
5 By \_\_\_\_\_

6 RAQUEL LAZO  
Assistant Federal Public Defender

*/s/ Richard Anthony Lopez*  
By \_\_\_\_\_

RICHARD ANTHONY LOPEZ  
Assistant United States Attorney

7  
8 */s/ Todd M. Leventhal*  
9 By \_\_\_\_\_

10 TODD M. LEVENTHAL  
Counsel for Larry Anthony McDaniel

*/s/ Richard A. Wright*  
By \_\_\_\_\_

RICHARD A. WRIGHT  
Counsel for Sylviane Della Whitmore

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 HURBACE ET AL,

7 Defendant.

Case No. 2:17-cr-110-APG-CWH

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. The parties are diligently working through the discovery in order to determine  
14 whether pretrial motions will be filed.

15 2. Defense counsel for Mr. Hurbace intends on filing a dispositive motion. Defense  
16 counsel requires a brief extension of time as she is currently preparing for trial in *United States*  
17 *v. Thomas*, Case no. 2:18-cr-239-RFB-GWF.

18 3. The defendants are not incarcerated and do not object to the continuance.

19 4. The parties agree to the continuance.

20 5. The additional time requested herein is not sought for purposes of delay, but  
21 merely to allow defense counsel sufficient time within which to consider whether to file any  
22 pretrial motions.

23 6. Additionally, denial of this request for continuance could result in a miscarriage  
24 of justice.

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**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including October 19, 2018, within which to file the Defendant's pretrial motions.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including November 2, 2018 to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including November 9, 2018 to file any and all replies to dispositive motions.

DATED this 9th day of October, 2018.



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UNITED STATES DISTRICT JUDGE